

**PROPERTY TAX
APPEALS
BEFORE
THE STATE TAX
COMMISSION
OF MISSOURI**



State Tax Commission
Jefferson City, Missouri

REVISED FEBRUARY, 2005

ADDITIONAL INFORMATION

For further information concerning your property tax appeal
you may write or call:

Legal Section
State Tax Commission of Missouri
P.O. Box 146
Jefferson City, MO 65102-0146
(573) 751-1715
FAX (573) 751-1341
or visit us on the internet at www.stc.mo.gov

NON-DISCRIMINATION STATEMENT

The State Tax Commission does not discriminate based upon race, color, creed, sex, age, national origin, or disability. If you are disabled and need special accommodations in order to present your case, you may request those accommodations by contacting the Legal Section of the State Tax Commission.

APPEALING YOUR PROPERTY TAX ASSESSMENT

You have a right to appeal your property tax assessment to the State Tax Commission of Missouri. This booklet is for those individuals who wish to represent themselves without assistance of an attorney. Only individuals may appear before the Commission without an attorney. A corporation, partnership or other legal entity must be represented by an attorney. This booklet is designed to help you in presenting your appeal before the Commission. It is based on the laws in effect at the time it was written. Nothing in this booklet gives anyone any greater rights than they would have by law. If there are changes in the law, the facts and procedures in this booklet may also change. It is your responsibility to be aware of changes in the laws which affect your right to appeal.

Here are some commonly asked questions about property tax assessment appeals.

REQUIREMENTS FOR FILING

WHAT ARE THE REQUIREMENTS FOR ME TO FILE MY APPEAL?

You cannot appeal to the Commission unless you have first appealed to your county Board of Equalization. If the decision rendered by the local Board of Equalization is unacceptable to you, you may then appeal to the Commission.

WHEN MUST I FILE MY APPEAL TO THE COMMISSION?

If you live in a first class county or the City of St. Louis you must file your appeal by August 15 or 30 days after the date of the Board of Equalization decision, whichever is later. Contact your county clerk to determine if your county is a first class county.

If you live in a county other than a first class county, you must file your appeal to the Commission by September 30 or 30 days after the Board of Equalization decision, whichever is later.

These deadlines are set by statute and the Commission has no authority to extend them for any reason.

WHEN CAN APPEALS BE MADE?

You can always appeal real property assessments in an odd-numbered year. Your appeal would be filed in accordance with the time limits discussed above.

You can always appeal real property assessments in the even-numbered year if you did not appeal the previous year. However, a decision for an even-numbered year appeal will only affect that year's assessment.

You can always appeal real property assessments in an even-numbered year if you appealed in the odd-numbered year and your appeal was dismissed.

You can appeal personal property assessments in any year in which you disagree with the value the county puts on your personal property.

ARE THERE SPECIAL FORMS I MUST USE TO FILE AN APPEAL?

Yes. You must file your appeal on State Tax Commission forms which you can obtain by calling or writing to the Commission. Forms may also be downloaded from the Commission's website, www.stc.mo.gov. Fill out the form and attach a copy of the decision of your Board of Equalization. Send both to the Commission. We will consider your appeal to be filed on the date it is postmarked if mailed by certified, registered or first class mail. Appeals carrying metered mail postage will be considered to be filed as of the date of post office cancellation.

IS THERE A FEE FOR FILING AN APPEAL?

No. There is no fee for filing an appeal to the Commission.

GROUNDS FOR FILING AN APPEAL**WHAT ARE THE REASONS FOR FILING AN APPEAL?**

There are several reasons or grounds that the Commission will consider for filing an appeal. These generally fall into the following categories: overvaluation, misclassification, misgraded agricultural land, discrimination and exemption.

WHAT DOES IT MEAN IF I APPEAL ON THE GROUND OF OVERVALUATION?

An appeal filed on the basis of overvaluation means you believe your property has been overvalued. The standard of value is what a willing buyer and seller would agree to as a price for the property. Even though you do not want to sell your property, the determination of value, by law, must be made based on what the property would bring in the open market if it were to be sold.

WHAT DOES IT MEAN IF I APPEAL ON THE GROUND OF MISCLASSIFICATION?

An appeal based on misclassification means that you disagree with the assessor as to how he has classified your property. The assessor by law must classify real property as residential, agricultural or other (commercial, industrial, etc). Residential property is then assessed at 19% of its fair market value (true value in money). Agricultural property is assessed at 12% of its productive use value or its fair market value if it is vacant and unused agricultural land. Other property is assessed at 32% of its market value.

WHAT IS RESIDENTIAL PROPERTY?

Residential property is real property improved by a structure which is used or intended to be used for residential living by human occupants.

WHAT IS AGRICULTURAL PROPERTY?

Agricultural property is real property used for agricultural or horticultural purposes.

WHAT IS COMMERCIAL PROPERTY?

Commercial property is all property other than residential and agricultural. It includes utility and industrial property.

WHAT DOES IT MEAN IF I APPEAL ON THE GROUND OF MISGRADED AGRICULTURAL LAND?

Land used for agricultural purposes is valued based on productivity grades, rather than market value. There are eight different grades of agricultural land. Each grade is assigned a different productivity or use value for purposes of valuing the land. A complete description of the agricultural grades is in the Code of State Regulations at 12 CSR 30-4.010. The Code of State Regulations is available in most public libraries, or you can contact the Commission and a copy of the agricultural grades will be sent to you. The assessor is required by law to place agricultural land in one of the grades for valuing it. Agricultural land which is vacant and unused is valued at its market value. If you feel the assessor has placed your agricultural land in the wrong grade or grades, you can appeal on this basis.

WHAT DOES IT MEAN IF I APPEAL ON THE GROUND OF DISCRIMINATION?

An appeal based on discrimination means you believe the assessor has intentionally assessed your property at a higher percentage of its market value than the assessments generally on the properties in the class as a whole.

WHAT DOES IT MEAN IF I APPEAL ON THE GROUND OF EXEMPTION?

An appeal based on exemption is filed when a non-profit corporation believes its property is exempt from payment of property taxes because it is being used for religious, educational or charitable purposes.

YOUR CASE BEFORE THE COMMISSION

WHO WILL HEAR AND DECIDE MY CASE?

Your appeal will be heard and decided by an impartial Hearing Officer. Your property taxes do not go to the state. The Hearing Officer's salaries are not affected by your property values. The Hearing Officer will conduct the Evidentiary Hearing in your appeal. The Hearing Officers are attorneys who are trained specifically to conduct your hearing and issue a decision. The Hearing Officers act as the judge and jury in appeals before the Commission. Your case will be assigned to a single Hearing Officer to hear. In most cases that Hearing Officer will then issue the written Decision and Order. However, after the hearing, your appeal may be assigned to another Hearing Officer to issue a Decision. In such instances, the new Hearing Officer will read the transcript of your hearing and review all exhibits that were received into evidence.

WHAT IS THE EVIDENTIARY HEARING?

The Evidentiary Hearing is a trial. It is when you present your side of the case in a formal manner and the Assessor will present his/her case in a formal manner. The Evidentiary Hearing is tape recorded. It is presided over by a Hearing Officer trained to conduct the hearing and render a decision in property tax appeals.

IS THERE A MEETING WITH THE HEARING OFFICER BEFORE THE EVIDENTIARY HEARING?

A Prehearing Conference may be scheduled at some time before the Evidentiary Hearing. A Prehearing Conference is an informal meeting between the taxpayer, a representative of the assessor's office and the Hearing Officer. No evidence is taken at the Prehearing Conference. You may wish to bring any documentation which you think would be beneficial to the discussion. If a settlement is not reached at the Prehearing Conference, an Evidentiary Hearing will be scheduled at a later date. You will be notified as to the time, date and location for the Prehearing Conference and the Evidentiary Hearing.

DO I NEED A LAWYER TO REPRESENT ME?

If you are an individual (not a partnership or corporation) you are not required to hire a lawyer to appeal your assessment. Missouri law requires that corporations, partnerships, estates and other legal entities other than individuals must be represented by an attorney to appear before the Commission.

If you appeal the assessment on your own property, only you can decide whether you need an attorney to assist you with your case.

IF I REPRESENT MYSELF, WHAT ARE MY RESPONSIBILITIES?

Like a lawyer, you must gather evidence and research the legal and factual issues involved in your case. The rules of evidence used by the courts will also be used by the Hearing Officer who presides over your case. This means the facts you present must be relevant and reliable. You can testify on your own behalf. You can also call witnesses and have them testify on your behalf. You will have the right to cross-examine any witnesses presented by the Assessor. If you need to have your case continued, you are responsible for contacting the Commission in writing to request any continuance. You have the responsibility to prove the value you are asserting in your appeal or to prove any other ground which you may be asserting to justify a change in the assessment of your property. You must present persuasive evidence to support your position.

HOW WILL I KNOW WHEN MY CASE IS GOING TO BE HEARD?

After you have filed your Complaint for Review of Assessment (your appeal) with the Commission you receive a notice of any Prehearing Conference and/or Evidentiary Hearing. The notice will be sent to the address shown on your Complaint for Review of Assessment. The notice you receive will give you the time, date and location of any conference or hearing.

DO I HAVE TO COME TO JEFFERSON CITY FOR THE EVIDENTIARY HEARING?

No. All conferences and hearings are conducted in the county where the property under appeal is located.

WHAT HAPPENS IF I CANNOT APPEAR ON THE DATE SCHEDULED FOR A PREHEARING CONFERENCE OR THE EVIDENTIARY HEARING?

It is your responsibility to notify the Commission in advance if you cannot appear. In most cases, you should notify the Commission at least five (5) days before any conference or hearing. If a last minute emergency (bad weather, illness) prevents your attendance on the date set, your case will be rescheduled.

MAY I NEGOTIATE A SETTLEMENT WITH THE ASSESSOR AFTER THE EVIDENTIARY HEARING HAS BEEN SET?

Yes. In fact you can negotiate a settlement with the Assessor any time prior to the Hearing Officer actually rendering a decision in your case. The Hearing Officer does not take part in settlement negotiations. They are strictly between the parties.

IS THERE A MEDIATION PROCEDURE?

Yes. Both parties can request the case be submitted for mediation. This must be done within thirty (30) days after the Commission has acknowledged receipt of the Complaint for Review of Assessment. If the parties do not reach a settlement through mediation, your case will be processed as a contested case and proceed to an Evidentiary Hearing.

WHO WILL REPRESENT THE ASSESSOR AT THE EVIDENTIARY HEARING?

The Assessor may represent him or herself. However, the Assessor may also be represented by counsel, an attorney who will present the Assessor's case and cross-examine you about your appeal.

PREPARING FOR AND PRESENTING YOUR CASE

WHAT KINDS OF EVIDENCE SHOULD BE PRESENTED AT THE EVIDENTIARY HEARING?

Present evidence that will aid the Hearing Officer in reaching a decision on the ground on which you are appealing. If you are appealing on the grounds of overvaluation or discrimination, you need to show what the value of your property was on January 1. In the case of an appeal in an even-numbered year, you will need to prove value for the property for the previous odd-numbered year. This is because real property in Missouri is assessed on a two-year

cycle in each odd-numbered year.

ARE PICTURES GOOD EVIDENCE TO PROVE VALUE?

A picture of your property is helpful to the extent the Hearing Officer can see what your property looks like. However, a picture does not "prove" anything about the value of your home. Likewise, pictures of damage or areas of needed repair do not show what the cost to repair will be. Without evidence to prove the cost of repair, pictures of damage do not assist the Hearing Officer in making a determination of value.

WHAT ABOUT NEWSPAPER SALES ADS FOR HOMES LIKE MINE?

Copies of newspaper listings of homes that are for sale are generally not good evidence. The Hearing Officer needs evidence of actual sales of comparable properties. Generally, newspaper listings do not present enough information for the Hearing Officer to make a determination as to how similar the properties being offered for sale may be to your property.

WOULD COPIES OF THE ASSESSOR'S RECORDS ON OTHER HOMES IN MY NEIGHBORHOOD BE GOOD TO PROVE VALUE?

No. The value placed on other homes by the assessor does not prove the value of your home.

WOULD SALES DATA ON HOMES SIMILAR TO MINE FROM REALTORS BE EVIDENCE OF THE VALUE OF MY HOME?

Sales data alone would not generally prove the value of your home. The owner of a home is not recognized as an expert in the appraisal of homes. The owner is generally not qualified to testify as to what is a comparable property to his. However, in some instances, pictures of homes that have sold in the neighborhood of your property along with information which gives data on the size of the other properties, the type of construction, lot size, number of rooms and when the house was built, could be received into evidence to support an owner's opinion of value.

WHY ISN'T THE OWNER'S OPINION OF VALUE SUFFICIENT TO PROVE VALUE?

The owner of property is qualified to testify and give an opinion of value for the property under appeal. However, without some supporting documentation the owner's opinion of value standing alone cannot be given very much weight by the Hearing Officer.

WHAT IF I HAVE RECENTLY PURCHASED MY HOME?

If you have purchased your home within the last two or three years, a copy of the sales contract showing the purchase price is good evidence. You should be prepared to offer into evidence a copy of the contract and closing statement to establish the amount which you paid for your property.

DO I HAVE TO HAVE AN APPRAISAL ON MY PROPERTY TO PROVE VALUE?

You are not required to present an appraisal in the Evidentiary Hearing. However, for residential properties an appraisal report by a certified appraiser is generally good evidence of value. It is very difficult to prove value of your property in the absence of an appraisal, unless you have purchased the property at a time close to the tax date. If you wish to have an appraisal report introduced into evidence it will be necessary for the appraiser to be present to testify and be cross-examined. If the appraiser is not present at the Evidentiary Hearing, the appraisal report cannot be received into evidence.

CAN ANYONE TESTIFY AS AN APPRAISER AT THE EVIDENTIARY HEARING?

No. If a person charges a fee for doing an appraisal or rendering an opinion of value they must be a state certified or licensed appraiser to testify at the Evidentiary Hearing. Persons who are employees of the Assessor's staff can testify as to an appraisal of property without being state licensed or certified. Also employees of corporations, who in the course of their employment appraise property, can testify as to the value of the corporation property.

CAN I MAKE OBJECTIONS AT THE EVIDENTIARY HEARING?

Yes. The fundamental rules of evidence generally apply in Evidentiary Hearings before the Commission. The Hearing Officer presiding over your case cannot make objections for you. However, simply because you do not know the precise legal objection which can be made does not mean the Hearing Officer will not make a ruling when requested to do so. If you feel that something in the proceeding is in error, you may state you wish to object. The Hearing Officer will ask you to state the reason for your objection and will then make a ruling.

DO I GET TO CROSS-EXAMINE THE WITNESSES FOR THE ASSESSOR?

Yes. After a witness for the Assessor has testified, you will be given an opportunity to cross-examine the witness. You can ask questions of the witness about what he or she has testified to on direct examination. You are to ask questions on cross-examination. This is not a time to argue with the witness.

CAN I MAKE A CLOSING ARGUMENT?

Yes. After both sides have indicated they are through presenting evidence, the Hearing Officer will generally permit either party to make a closing argument. Closing argument is the time for you to make a summary statement about your appeal and why you think that your evidence supports the value that you think should be put on your property. Closing arguments are not treated as evidence.

HOW LONG DOES AN EVIDENTIARY HEARING LAST?

For most residential appeals the Evidentiary Hearing will take only about an hour.

WHEN WILL I FIND OUT IF I'VE WON MY CASE?

A decision on your appeal will not be rendered at the Evidentiary Hearing. The written decision will be issued as quickly as the Hearing Officer is able to review the evidence and prepare the Decision and Order. Decisions are usually written in the order the cases were heard. Sometimes there is a delay between the date your case was heard and the date a Decision is rendered.

IF I DO NOT AGREE WITH THE DECISION MADE BY THE HEARING OFFICER CAN I APPEAL MY CASE FURTHER?

Yes. After you have received the written Decision and Order of the Hearing Officer you have thirty (30) days from the date of the Decision to file a written request for the Commission to review the Hearing Officer's Decision. This is not a new evidentiary hearing. You must list the reasons you believe the Hearing Officer's Decision is not supported by the evidence. The three Commissioners will review the Decision rendered by the Hearing Officer and the evidence presented. The Commission may then affirm, modify or reverse the Hearing Officer's Decision.

ARE THERE DIFFERENT RULES FOR APPEALING A COMMERCIAL PROPERTY?

Yes. In cases involving an appeal of commercial property a Scheduling Order will be issued by a Hearing Officer setting a time when both parties must file with the Commission a copy of all exhibits they propose to offer into evidence at the Evidentiary Hearing. The Scheduling Order will also set a time for filing written direct testimony of each witness that is going to be presented at the Evidentiary Hearing. A copy of all exhibits and all written di-

rect testimony must also be sent to the opposing party/attorney when it is filed with the Commission. It is each party's responsibility to mail or deliver the exhibits and written direct testimony to the Commission and the opposing party/attorney. Any exhibits or written direct testimony not filed with the Commission and exchanged with the opposing party/attorney will not be received into evidence at the Evidentiary Hearing.

GLOSSARY OF TERMS

AD VALOREM TAXES. Taxes based on the value of property. These are commonly known as property taxes.

AGRICULTURAL/HORTICULTURAL LAND GRADES. The eight (8) grades of land used to value agricultural/horticultural land. The grades are based on the productive use value of the land. Grade 1 is the best land, grade 8 is the poorest. 12 CSR 30-4.010.

APPRAISED VALUE. An estimation of the true value in money (fair market value) of residential and commercial property or the productive use or market value of agricultural property.

ASSESSED VALUE. The portion of the market value on which taxes are based. Residential property is assessed at 19 percent of its market value. Agricultural/horticultural property is assessed at 12 percent of its productive use or market value. Commercial property is assessed at 32 percent of its market value. Most personal property is assessed at 33 1/3 percent of its market value. In other words, residential property valued at \$100,000 would be assessed at \$19,000; agricultural property valued at \$100,000 would be assessed at \$12,000; commercial property valued at \$100,000 would be assessed at \$32,000. Most personal property valued at \$100,000 would be assessed at \$33,000.

ASSESSMENT DATE OR TAX DATE. January 1st of each year. Real property is assessed as of January 1st of each odd-numbered year. That same value will be used for the following even-numbered year, unless there has been new construction and improvement to the property. Personal property is assessed as of January 1st of each year.

In counties that adopt the Occupancy Law, newly constructed residential real property may be assessed for a portion of the tax year on a pro-rata basis, commencing upon the day the home is occupied. For example, if a family moves into a new home on April 1, the assessor assesses the home and the owner is taxed on 75% (eight out of twelve months) of the value of the real estate for that year.

ASSESSOR. The county official charged with determining the market value and classification of property for tax purposes.

ASSESSMENT JURISDICTION. The county in which the subject property is located. The City of St. Louis is a separate assessment jurisdiction.

BOARD OF EQUALIZATION. The body which hears taxpayer complaints, reviews the assessments and issues decisions either affirming or adjusting the assessments made by the assessor. The City of St. Louis also has a Board of Merchants' and Manufacturers' Tax Equalization which performs the same equalization duties as the Board of Equalization for manufacturer's assessments.

CLASSIFICATION. Real property is classified as (1) residential; (2) agricultural/horticultural; and (3) utility, industrial, commercial, railroad and all other. Property must be assessed uniformly within its own class or sub-class.

COMMISSION. The State Tax Commission of Missouri. There are three individuals appointed by the Governor to serve as Commissioners.

COMPLAINANT. The taxpayer bringing an appeal before the Commission.

COMPLAINT FOR REVIEW OF ASSESSMENT. The form on which the taxpayer files his appeal to the Commission. It is the pleading to begin the process.

EVIDENTIARY HEARING. The trial of an appeal. The time when both parties present evidence to support their position in the case being heard. The taxpayer's day in court.

IMPROVEMENTS. Buildings, additions to buildings, sidewalks, parking lots, and other permanently attached additions to land which, under the two-year assessment cycle, may either increase or decrease the value of the property.

PREHEARING CONFERENCE. An informal meeting between the parties and a Hearing Officer to discuss the issues in a case.

PRODUCTIVE USE VALUE. The value which land has for agricultural/horticultural use. The value established by the Agricultural/Horticultural Land Grades.

PERSONAL PROPERTY. Tangible property that is not real property. This includes automobiles, trucks, farm implements, boats, office equipment, machinery and equipment.

REAL PROPERTY. The land and all growing crops, buildings, structures, improvements and fixtures on the land. It also includes all rights and privileges belonging or related to the land.

RESPONDENT. The assessor of the county or the City of St. Louis where the property under appeal was assessed.

SETTLEMENT. An agreement reached through negotiation by the Complainant and Respondent in a tax appeal.

SUBJECT PROPERTY. The property under appeal before the Commission.

TESTIMONY. Information supplied by people, under oath—a legally binding promise to tell the truth—at an Evidentiary Hearing.

TRANSCRIPT. A written record of the testimony at the Evidentiary Hearing.

TRUE VALUE IN MONEY. The price the property would bring after a reasonable exposure to the open market when offered for sale by a person who is willing but not obligated to sell it, and is bought by a person who is willing to purchase it but is not forced to do so. The fair market value of the property. The true value in money of agricultural/horticultural land in actual use is defined as its productive use value. The true value in money of agricultural or horticultural land that is vacant and unused is its fair market value.

WITNESS. An individual who is called to testify at the Evidentiary Hearing.